

**CONTINGENCY PLAN AND EMERGENCY PROCEDURES AND
THE ARRANGEMENTS WITH LOCAL EMERGENCY SERVICES
FOR FULLY REGULATED GENERATORS**

Following is a summary and excerpts of the federal regulations regarding contingency planning and emergency procedures for Michigan's large quantity generators as required by the hazardous waste regulations. These facilities may also be subject to other regulations that require emergency planning and preparedness and are subject to other hazardous waste management requirements. For more information on those requirements and common violations found during inspections, see the Waste Management Guidance documents available on the Internet at www.deq.state.mi.us/wmd and the Michigan Manufacturers' Guide to Environmental and Safety and Health Regulations at www.deq.state.mi.us/ead/pub/caap/manufguide. The Michigan State Police, Emergency Management Division also has emergency planning guidance available at www.msp.state.mi.us. Federal requirements for large quantity generators are summarized in the US Environmental Protection Agency fact sheet at www.epa.gov/epaoswer/hazwaste/gener/lqgfact.txt.

Large quantity generators of hazardous waste are regulated under Part 111, Hazardous Waste Management, Michigan Compiled Laws (MCL) 324.11101 *et seq.* (Part 111) of Michigan's Natural Resources and Environmental Protection Act; 1994 PA 451, as amended and Subtitle C of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), and any administrative rules or regulations promulgated pursuant to these acts.

Rule 306(1)(d) promulgated under the Natural Resources and Environmental Protection Act 1994 PA 451, Chapter 3: Waste Management, Part 111 Hazardous Waste Management, requires facilities that generate over 1000 kilograms (2200 lbs.) of hazardous waste or 1 kilogram (2.2 lbs.) of acutely or severely toxic hazardous waste, in a calendar month, to write a contingency plan with emergency procedures. In addition, arrangements must be made with local emergency services.

Arrangements with Local Emergency Services

The facility must attempt to make the following arrangements, as appropriate for the type of waste handled at the facility and the potential need for the services of these organizations. Specifically, these arrangements are to familiarize local police, fire departments, and local and state emergency response teams¹ with the layout of the facility, properties of the hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility and possible evacuation routes. Where more than one police and fire department might respond to an emergency, agreements must be reached designating the primary emergency authority(s). If you use outside contractors to respond to emergencies, arrangements must be made with emergency response contractors and emergency response suppliers. You also must make arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses that could result from fires, explosions or releases at the facility.

Since a copy of the contingency plan must be sent to the emergency organizations, the cover letter can deal with the arrangements. Suggested language in the cover letter should explain briefly why a copy of the plan is being sent, inviting the organization to tour the facility and designate a contact person in the facility to answer questions and to outline expected

emergency response. It is recommended you keep a copy of the cover letter for documentation purposes that the plan was submitted.

Contingency Plan and Emergency Procedures

The Contingency Plan and Emergency Procedures must be designed to minimize hazards to human health or the environment from fires, explosions or any unplanned sudden or non-sudden releases of hazardous waste or hazardous waste constituents to air, soil or surface water.

The plan must list names, addresses and phone numbers (home and office) of the primary emergency coordinator and alternates. We recommend that there be at least one alternate emergency coordinator since someone has to be available to respond to emergencies at all times which includes weekends, evenings, and holidays. Having more than one alternative will minimize the burden on the primary and first alternate and allow more flexibility when you schedule who will cover non work hours. The primary and alternate emergency coordinators must have the authority to carry out the plan. If outside emergency response contractors are used this will include coordinating with them on who will be authorized to engage their services.

The plan must include a list of all emergency equipment at the facility such as fire extinguishing systems, communication or alarm systems, spill control equipment, etc., where the equipment is located, a physical description of each item and a brief outline of its capabilities. A verbal discussion of the location of the emergency equipment is not effective when there is an emergency. It is recommended that a floor plan of the facility have the locations of the fire extinguishing systems (fire extinguisher's, sprinklers, hoses, fire hydrants), communication or alarm systems (alarm boxes or phones for page), spill control equipment (adsorbents, spill kits, shovels) located on the map with easy symbols to understand. Then the written portion of the plan can have the physical description of the equipment and capabilities.

You must include an evacuation plan that describes signal(s) to be used to begin evacuation, evacuation routes and alternate evacuation routes in cases where the primary route could be blocked by release of hazardous waste or fire. Again, a verbal discussion is cumbersome and not efficient in an emergency. Recommend that the primary and secondary routes be clearly marked on the floor plan described above. Then the written portion can give the signals to be used. Since one of the first questions a facility will be asked by any emergency service, if the facility had to be evacuated, is a count of persons still left in the facility and possible location.

Subsequently, it is also recommended that the evacuation routes include two outside areas where staff should assemble (using the one upwind of the facility). This way a count can be made which will be even more accurate if compared to the guest book and time cards that were also evacuated with staff.

The plan must include the emergency procedures as mandated under 265.56, which deals with emergency situations that could threaten human health or the environment. Copies of the plan must be maintained on-site and submitted to the local police department; fire department, hospital, state, and emergency response teams that may be called on to provide emergency service. This plan must be amended whenever the regulations change, the plan fails in an emergency, the facility changes, facility emergency procedure change, the emergency coordinators change or the emergency equipment changes.

¹. At the time of this update, the State of Michigan does not have a state emergency response team to respond to individual facility situations. Unless requested, contingency plans prepared by large quantity generators under these hazardous waste regulations do not need to be submitted to either the Department of Environmental Quality or to the State Police Emergency Management Division.

Subpart C -- Preparedness and Prevention

§ 265.30 Applicability.

The regulations in this subpart apply to owners and operators of all hazardous waste facilities, except as § 265.1 provides otherwise.

§ 265.31 Maintenance and operation of facility.

Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

§ 265.32 Required equipment.

All facilities must be equipped with the following, unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

- (a) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;
- (b) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;
- (c) Portable fire extinguisher's, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment; and
- (d) Water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems.

§ 265.33 Testing and maintenance of equipment.

All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

§ 265.34 Access to communications or alarm system.

- (a) Whenever hazardous waste is being poured, mixed, spread, or otherwise handled, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required under § 265.32.
- (b) If there is ever just one employee on the premises while the facility is operating, he must have immediate access to a device, such as a telephone (immediately available at the scene of operation) or a hand-held two-way radio, capable of summoning external emergency assistance, unless such a device is not required under § 265.32.

§ 265.35 Required aisle space.

The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

§ 265.36 [Reserved]

§ 265.37 Arrangements with local authorities.

- (a) The owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations:
 - (1) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes;
 - (2) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;
 - (3) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and

(4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses, which could result from fires, explosions, or releases at the facility.

(b) Where State or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

Subpart D -- Contingency Plan and Emergency Procedures

§ 265.50 Applicability.

The regulations in this subpart apply to owners and operators of all hazardous waste facilities, except as § 265.1 provides otherwise.

§ 265.51 Purpose and implementation of contingency plan.

(a) Each owner or operator must have a contingency plan for his facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.

(b) The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

§ 265.52 Content of contingency plan.

(a) The contingency plan must describe the actions facility personnel must take to comply with §§ 265.51 and 265.56 in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility.

(b) If the owner or operator has already prepared a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with part 112 of this chapter, or part 1510 of Chapter V, or some other emergency or contingency plan, he need only amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with the requirements of this part.

(c) The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to § 265.37.

(d) The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see § 265.55), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.

(e) The plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

(f) The plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

§ 265.53 Copies of contingency plan.

A copy of the contingency plan and all revisions to the plan must be:

(a) Maintained at the facility; and

(b) Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

§ 265.54 Amendment of contingency plan.

The contingency plan must be reviewed, and immediately amended, if necessary, whenever:

(a) Applicable regulations are revised;

(b) The plan fails in an emergency;

(c) The facility changes -- in its design, construction, operation, maintenance, or other circumstances -- in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;

(d) The list of emergency coordinators changes; or

(e) The list of emergency equipment changes.

§ 265.55 Emergency coordinator.

At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

[Comment: The emergency coordinator's responsibilities are more fully spelled out in § 265.56. Applicable responsibilities for the emergency coordinator vary, depending on factors such as type and variety of waste(s) handled by the facility, and type and complexity of the facility.]

§ 265.56 Emergency procedures.

(a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:

(1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

(2) Notify appropriate State or local agencies with designated response roles if their help is needed.

(b) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and a real extent of any released materials. He may do this by observation or review of facility records or manifests and, if necessary, by chemical analysis.

(c) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-offs from water or chemical agents used to control fire and heat-induced explosions).

(d) If the emergency coordinator determines that the facility has had a release, fire, or explosion, which could threaten human health, or the environment, outside the facility, he must report his findings as follows:

(1) If his assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and

(2) He must immediately notify either the government official designated as the on-scene coordinator for that geographical area (in the applicable regional contingency plan under part 1510 of this title), or the National Response Center (using their 24-hour toll free number 800/424-8802). The report must include:

(i) Name and telephone number of reporter;

(ii) Name and address of facility;

(iii) Time and type of incident (e.g., release, fire);

(iv) Name and quantity of material(s) involved, to the extent known;

(v) The extent of injuries, if any; and

(vi) The possible hazards to human health, or the environment, outside the facility.

(e) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.

(f) If the facility stops operations in response to a fire, explosion or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

(g) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

[Comment: Unless the owner or operator can demonstrate, in accordance with § 261.3(c) or (d) of this chapter, that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of parts § § 262, 263, and 265 of this chapter.]

(h) The emergency coordinator must ensure that, in the affected area(s) of the facility:

(1) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

(2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(i) The owner or operator must notify the Regional Administrator, and appropriate State and local authorities, that the facility is in compliance with paragraph (h) of this section before operations are resumed in the affected area(s) of the facility.

(j) The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the Regional Administrator. The report must include:

(1) Name, address, and telephone number of the owner or operator;

(2) Name, address, and telephone number of the facility;

(3) Date, time, and type of incident (e.g., fire, explosion);

(4) Name and quantity of material(s) involved;

(5) The extent of injuries, if any;

(6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

(7) Estimated quantity and disposition of recovered material that resulted from the incident.

(1/25/01: doc/y/contingency rest of new: EAB)

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